

Serial No. 09/690,393

- 7 -

Art Unit: 2157

REMARKS

Reconsideration and further examination is respectfully requested. Claims 1-23 are currently pending, claims 24-26 are hereby cancelled without prejudice. Applicants would like to thank the Examiner for the detailed thoughts in the previous office action.

Rejections under 35 U.S.C. §103

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tappan et al, U.S. Patent 6,603,756 , in view of Chen, U.S. Patent 6,567,380.

Tappan:

Tappan describes, in the abstract, a "router has a first interface to receive a packet from an external autonomous system and a second interface to transmit the packet as an outgoing packet to a border router. A processing engine places a first tag on the outgoing packet in accordance with a standard tag switching protocol. A shared field in the outgoing packet has at least one bit to indicate a use of the shared field, the at least one bit set by the processing engine to indicate the shared field carries a second tag, the second tag indicating a route from the border router to a destination of the packet..."

The Examiner states, at page 2 of the office action:

"... As per claim 1, Tappan discloses Receiving, from outside the domain ... an information message at one of the network devices ...the information message having routing information (see fig. 6, and col. 5, line 65 to col. 6 line 54); applying the given policy (i.e., the policy of domain 44) of the network device that received the information message to the routing information in the information message to produce policy filtered routing information (see col. 5,

Serial No. 09/690,393

- 8 -

Art Unit: 2157

line 65 to col. 6, line 54); and flooding the policy filtered routing information to each of the plurality of network devices (see col. 8, line 51 to col. 9 line 25)...”

Chen

Chen describes, in the abstract, a technique that allows selective generation of routing update messages by a router for its neighboring peer routers of a computer network. As stated in column 3, lines 16-19 “... when an entry version number of a route is incremented, the reason ... for the change in the best path of the route is identified and recorded. That is, each time there is a new version of a route, attributes of the best path for the new version and the previous version of the route re compared and the changes are recorded. According to the selective routing update technique, recordation of the reason is effected using change flags. These flags, along with the characteristics of each neighbor are processed by the router when determining whether the route is eligible for further consideration of routing updates to the neighbor...”

The Examiner states, at page 3 of the office action “... Chen discloses in an analogous art discloses a method for propagating routing information to its neighboring router including modifying (i.e., updating) a received routing information using predetermined policy (see col. 7, lines 9-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Chen such as modifying the routing information to determine the current optimal routing information in order to make correct routing decisions...”

Applicants have amended the claims of the present invention to more clearly recite several novel aspects. For example, claim 1, as amended, now includes the step of “...modifying the routing information for forwarding to a peer network device internal to the *domain by adding*

Serial No. 09/690,393

- 9 -

Art Unit: 2157

a local preference attribute to the routing information, the local preference attribute selected by the network device...”

In contrast to the claimed invention, wherein the local preference attribute is selected by the network device, Tappan and Chen appear to apply domain wide policies. One advantage of the ability of the network device to apply a policy which is different from the domain policy to the routing information is described at page 6, line 31- page 7 line 2 of Applicant's application, which describes "... The local preference attribute allows a network device in a domain to calculate a preference for a route and to communicate this preference to other network devices in the modifications of the domain. The local preference typically expresses a real world cost that is flooded throughout the domain to inform the internal peers that the cost exists...”

Accordingly, for at least the reason that the combination of Tappan and Chen fails to describe the step of "...modifying the routing information for forwarding to a peer network device internal to the domain by adding a local preference attribute to the routing information, the local preference attribute selected by the network device..." claim 1 is patentably distinct over the references, and it is respectfully requested that the rejection be withdrawn.

Independent claims 8, 15 and 22 are directed to an apparatus, computer process and network device which include elements which distinguish over the combination of the Tappan and Chen references for reasons similar to those described with regard to claim 1. Accordingly, it is respectfully requested that the rejection of claims 8, 15 and 22 be withdrawn.

Dependent claims 2-7, 9-14, 16-21 and 23 serve to add further patentable limitations to their independent parent claims, but are allowable for at least the reasons put forth with regard to the parent claims.

Serial No. 09/690,393

- 10 -

Art Unit: 2157

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

4/11/2005
Date

Lindsay G. McGuinness
Lindsay G. McGuinness, Reg. No. 38,549
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664

Docket No. 120-243
Dd: 9/3/2004